IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

Crl.MC.No. 4310 of 2003()

LP.26/2001 of JUDL.MAGIST. OF FIRST CLASS COURT-II,PERINTHALMANNA

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PETITIONER: ACCUSED:

PULADAN SAKEER HUSSAIN,
S/O. ABOOBECKER, OLD CHANDAKUNNU,
WANDOOR, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE:

THE STATE OF KERALA REPRESENTED BY
THE SUB-INSPECTOR OF POLICE,
WANDOOR POLICE STATION-THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

Crl.M.C. 4310/2003

Dated this 14th day of September, 2007

O R D E R

Petitioner is the accused in C.C.No.63/1998 on the file of the J.F.C.M-II, Perinthalmanna. It is submitted that on the particular date of posting of the case, he could not appear before the Court below. Therefore the case against him was split up and re-filed as C.C.337/2000. Second accused was tried and acquitted vide Annexure-A order. It is submitted that the defacto complainant is no more and only the occurrence witness was examined and he turned hostile to the prosecution. Hence no purpose will be served by proceeding with the case.

2. I find that the situation is squarely covered by the Full Bench decision reported in **Moosa v. Sub inspector of Police (2006 (1) KLT 552 [F.B]).**

Hence the Crl.M.C is dismissed.

K.R.UDAYABHANU,
JUDGE

mrcs